

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-19 and 21-35 are currently being prosecuted. Claims 20, 36 and 37 have been cancelled. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

#### **Allowable Subject Matter**

It is gratefully acknowledged that the Examiner considers the subject matter of claims 1-18 as being allowable.

#### **Claim for Priority**

It is gratefully acknowledged that the Examiner has recognized Applicant's claim for foreign priority and the receipt of the certified documents. In view of the fact that Applicant's claim has been perfected, no additional action is required from the Applicant at this time.

#### **Drawings**

The Official Draftsperson has not approved the formal drawings submitted by the Applicant. It is respectfully submitted that the drawings comply with the requirements of the USPTO. If the Official Draftsperson has

any objection to the formal drawings, he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a Notice from the Official Draftsperson.

### **Acknowledgment of Information Disclosure Statement**

The Examiner has acknowledged the Information Disclosure Statement filed on July 22, 2002. An initialed copy of the PTO-1449 has been received from the Examiner in regard to this IDS. However, Applicant notes that another IDS was filed on February 20, 2002, with the original application papers. The Examiner is respectfully requested to acknowledge this Information Disclosure Statement and to provide an initialed copy of the PTO-1449 at the earliest convenience of the Examiner.

### **Abstract of the Disclosure**

The Examiner objected to the lack of an abstract on a separate sheet. By way of the present Amendment, Applicant has inserted a new Abstract on a separate sheet as required.

**Title**

The Examiner required the title of the invention to be changed to remove the word "improved." Applicant has now inserted a new title.

**Rejection under 35 U.S.C. § 112**

Claims 36 and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed. Applicant has cancelled these claims, and rendering this rejection moot.

**Rejection under 35 U.S.C. § 101**

Claims 19-35 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner states that the claims recite a method for performing a mathematical function including a plurality of mental steps. The Examiner states that in order for the process to be statutory, the claims must include a step that results in a physical transformation, a limitation to a practical application or performed specific machine/elements. By way of the present Amendment, Applicant has amended claim 19 to include a limitation to a practical application. The practical application is to determine the coefficients for the transfer functions and convert the coefficients to values of the components in the filter topologies. Components having the same values are

then incorporated in the filter topologies to provide a filter having a combined amplitude response that is substantially constant at least in the region of the crossover frequency. Accordingly, Applicant submits that claim 19 is now statutory and accordingly, also allowable. Claims 21-35 depend from claim 19 and as such, are also considered to be allowable.

### **Prosecution History Estoppel**

Claims 1 and 19 are hereby presented in independent form. No prosecution history estoppel would apply to the interpretation and limitations set forth in claims 1 and 19 and the claims dependent therefrom in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

### **Conclusion**

In view of the above Remarks, it is believed that the claims are now allowable. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to

conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:   
James M. Slattery  
fo' Reg. No. 28,380 #43,368

JMS/RFG/gf  
(703) 205-8000  
0641-0232P

P.O. Box 747  
Falls Church, Virginia 22040-07047